

## **CHAPTER 5. VETERANS AND DISABLED VETERANS PREFERENCE**

### **SUBCHAPTER 2. USE OF PREFERENCE**

- 4A:5-2.1. Open competitive examinations
- 4A:5-2.2. Promotional examinations
- 4A:5-2.3. Veterans and disabled veterans preference in the noncompetitive division

#### **4A:5-2.1 Open competitive examinations**

(a) A list of eligibles who have passed an open competitive examination shall appear in the following order:

1. Eligibles entitled to disabled veterans preference in the order of their scores;
2. Eligibles entitled to veterans preference in the order of their scores;
3. Non-veteran eligibles (abbreviated as "NV") in the order of their scores.

(b) Whenever more than one eligible has the same score and same veterans status, the tie shall not be broken and they shall have the same rank.

(c) Whenever a disabled veteran or veteran is certified from an open competitive list and a regular appointment is to be made, the appointing authority shall first appoint disabled veterans and then veterans in the order of ranking. For example:

<b>TEST SCORES</b>		<b>RANKED LIST OF ELIGIBLES</b>		
Name and Status	Score	Name and Status	Score	Rank
John Green (NV)	90	Robert Brown (DV)	80	1
Charles Black (V)	85	Charles Black (V)	85	2
Mary White (V)	85	Mary White (V)	85	2
Robert Brown (DV)	80	John Green (NV)	90	3
Jane Silver (NV)	80	Jane Silver (NV)	80	4
Tom Gold (NV)	75	Tom Gold (NV)	75	5

Assuming all eligibles are interested in appointment, Robert Brown must receive the first appointment. The next vacancy must be filled by appointing either Charles Black or Mary White. Assuming Mary White is appointed, the next vacancy must be filled by appointing Charles Black. The next vacancy must be filled by choosing among John Green, Jane Silver and Tom Gold, in accordance with the "rule of three." See N.J.S.A. 11A:4-8.

(d) Appointing authorities are not required to give preference to disabled veteran or veterans when making a provisional appointment from an incomplete list. See N.J.A.C. 4A:4-1.5.

#### **4A:5-2.2 Promotional examinations**

(a) No distinction shall be made between disabled veterans and veterans in promotional examinations. Both are referred to as veterans in this rule.

(b) A list of eligibles who have passed a promotional examination shall appear in the order of their scores regardless of veteran or nonveteran status. However, when scores are tied, the names of veterans shall be listed first within each rank.

(c) Whenever the name of a veteran appears in the highest rank on a promotional certification, a nonveteran shall not be appointed unless the appointing authority shows cause why the veterans should be removed from the promotional list. See N.J.A.C. 4A:4-4.7 for removal procedures.

(d) If the names of one or more veterans appear on a promotional certification headed by a veteran, any veteran among the top three interested eligibles may be appointed in accordance with the "rule of three." See N.J.S.A. 11A:4-8.

(e) Whenever a nonveteran heads a promotional certification, any reachable eligible may be appointed in accordance with the "rule of three." See N.J.S.A. 11A:4-8.

(f) As an example, assume that the following represents the ranked order and status of interested eligibles which appear on promotional certifications:

1. Veteran 2. Non-Veteran 3. Non-Veteran

Veteran must be offered the appointment.

1. Veteran 2. Non-Veteran 3. Veteran

Either (1) or (3) must be offered the appointment.

1. Non-Veteran 2. Veteran 3. Non-Veteran

Either (1), (2) or (3) may be offered the appointment.

1. Veteran (Tied) 1. Non-Veteran (Tied) 2. Non-Veteran

Veteran must be offered the appointment.

#### **4A:5-2.3 Veterans and disabled veterans preference in the noncompetitive division**

In making appointments in the noncompetitive division, preference shall be given among qualified applicants to disabled veterans, then veterans.